

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
PHASE ONE SERVICES LLC	§	CASE NO. 23-30835
	§	
Debtor	§	CHAPTER 11

EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Phase One Services LLC ("Debtor") and files this Emergency Motion for Authority to Use Cash Collateral pursuant to 11 U.S.C. § 363. The Debtor presents this motion and respectfully represents the following:

1. On March 8, 2023 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code") and is now operating its business as a Debtor-In-Possession.

2. The Debtor continues to manage and operate its business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code. No creditors' committee has been appointed in this case by the United States Trustee.

3. A search in the Texas Secretary of State shows that allegedly secured positions are held by (1) First Corp Solutions (believed to be TBS Factoring); (2) U.S. Small Business Administration; (3) Corporation Service Company (Vehicle Lien)(Believed to be Dakota Financial), (4) Navitas Credit (Vehicle Lien), (5) Corporation Service Company (Unknown Creditor), (6) The LCF Group, (7) Plexe LLC, and (8) Cashable LLC (*see* Exhibit “B”).

4. Debtor seeks to use the cash collateral for expenses set forth on Exhibit “A” and any other unforeseeable expenses that may arise and pose a threat to the Debtor’s continued operations.

5. **Emergency Consideration:** Emergency consideration is requested because the Debtor depends on the use of cash collateral for payroll, truck maintenance, supplies, rent, fuel and other general operating expenses. If the Debtor is unable to use cash collateral, it will be forced to cease operations.

6. It is critical to the operation of the Debtor’s business, and to its reorganization efforts, that it be permitted to pay these expenses using cash collateral. The Debtor produces revenue from its transportation business and would use such revenue to pay the budgeted expenses.

7. Attached as Exhibit “A” is a 14-day and 30-day budget for the Debtor, showing projected income and expenses. The amounts listed are reasonable and good faith estimations of what the Debtor needs to spend each month to continue the operations of its business and reorganize.

8. In addition to Exhibit A, the following Exhibit is also attached:

Exhibit B

UCC Lien Search

Exhibit C

Declaration of Ashley Williams

9. Debtor requests authority to use the cash collateral for expenses set forth on Exhibit “A” and any other unforeseeable expenses that may arise and pose a threat to the Debtor’s continued operations. Specifically, the Debtor requests authority to use the cash collateral to pay up to 110% of each expense in Exhibit A, so long as the total of cash collateral spent during the month does not exceed by more than 5% of that month’s total in Exhibit A.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests this matter be set for an emergency hearing and that upon hearing, the Court will enter an Interim Order authorizing the Debtor’s use of the cash collateral in the amounts set forth in Exhibit “A” and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

State Bar No. 24046263

notifications@lanelaw.com

Joshua Gordon

State Bar No. 24091592

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6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR DEBTOR

CERTIFICATE OF CONFERENCE

I, Attorney Chip Lane certify that on March 8, 2023, my office sent electronic correspondence to the following parties who may have an interest in cash collateral:

U.S. Small Business Administration - chad.cowan@usdoj.gov

Cashable LLC - info@greenfieldlawpllc.com

Navitas Credit – sales@navitascredit.com

Cloud Fund, LLC – customerservice@approvalandreconciliation.com

Silverline Services – jacob@weinsteinllp.com & accounting@silverlinefunding.com

The LCF Group - info@thelcfgroup.com

Plexe LLC – team@plexe.co

/s/ Chip Lane
Chip Lane

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Emergency Motion for Authority to Use Cash Collateral was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on March 8, 2023:

Debtor:

Phase One Services LLC
10604 ½ Wallisville Road
Houston, Texas 77044

US Trustee:

Office of The United States Trustee
515 Rusk Street, Suite 3516
Houston, TX 77002

Notice will be electronically mailed to:

US Trustee

USTPRegion07.HU.ECF@USDOJ.GOV

Alicia Lenae Barcomb on behalf of U.S. Trustee US Trustee
alicia.barcomb@usdoj.gov

Electronic email Notification sent to the following:

U.S. Small Business Administration - chad.cowan@usdoj.gov

Cashable LLC - info@greenfieldlawpllc.com

Navitas Credit – sales@navitascredit.com

Cloud Fund, LLC – customerservice@approvalandreconciliation.com

Silverline Services – jacob@weinsteinllp.com & accounting@silverlinefunding.com

The LCF Group - info@thelcgroup.com & ajf@feldmanlegal.com

Plexe LLC – team@plexeco

Financial Pacific Leasing – obabcock@padfieldstout.com

/s/Robert C. Lane
Robert C. Lane

Label Matrix for local noticing
0541-4
Case 23-30835
Southern District of Texas
Houston
Wed Mar 8 07:46:43 CST 2023

Phase One Services LLC
10604 1/2 Wallisville Rd
Houston, TX 77013-4123

4
United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

Ashley Williams
12910 Breezy Meadow Ln.
Houston, TX 77044-1165

Aztec Portacans & Containers, LTD
2001 W 34th Street
Houston, TX 77018

Cashable LLC
2 Executive Blvd 305
Suffern, NY 10901-8219

City of Houston
PO Box 1560
Houston, TX 77251-1560

Cloud Fund, LLC
400 Rella Blvd Suite 165-101
Suffern, NY 10901-4241

Cosco Shipping Lines
15600 JFK Blvd 400
Houston, TX 77032-2344

DCLI Chassis
PO Box 603061
Charlotte, NC 28260-3061

Dakota Financial
11755 Wilshire Blvd Suite 1670
Los Angeles, CA 90025-1526

Department of Public Safety & Corrections
PO Box 61047
New Orleans, LA 70161-1047

Evergreen Shipping Agency
16000 North Dallas Parkway 400
Dallas, TX 75248-6609

Falcon Fleet Maintenance
PO Box 7228
Houston, TX 77248-7228

Financial Pacific Leasing
3455 S. 344th Way Ste 300
Federal Way, WA 98001-9546

HAPAG-LLOYD (AMERICA) LLC
Regional Headquarters
399 Hoes Lane
Piscataway, NJ 08854-4115

HMM Co., LTD
222 West Las Colinas Blvd 700
Irving, TX 75039-5468

Harris County Toll Road Authority
PO Box 4440
Houston, TX 77210-4440

Houston Industrial Yard, Inc./Triton Realty
3657 Briarpark Drive 300
Houston, TX 77042-5266

IPFS Corporation
P.O. Box 412086
Kansas City, MO 64141-2086

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Law Offices of Isaac H. Greenfield PLLC
2 Executive Blvd 305
Suffern, NY 10901-8219

M&M Tire and Mechanic Shop
11649 Wallisville Road
Houston, TX 77013-3418

Mediterranean Shipping Company Inc.
4700 W Sam Houston Pkwy N 250
Houston, TX 77041-8225

Motive Credit Card
3500 South Dupont Highway
Dover, DE 19901-6041

Navitas Credit
203 Fort Wade Road 300
Ponte Vedra, FL 32081-5159

OTR Leasing
9100 Liberty Drive
Liberty, MO 64068-7500

Padfield & Stout
420 Throckmorton Street Suite 1210
Fort Worth, TX 76102-3792

Plexe LLC
6295 Greenwood Plaza Blvd 100
Englewood, CO 80111-4978

Sealand Maersk Company
9300 Arrowpoint Blvd
Charlotte, NC 28273-8136

Shark Trucking
12106 Mesa Drive
Houston, TX 77016-1622

Silverline Services Inc.
1334 Peninsula Blvd 160
Hewlett, NY 11557-1226

Small Business Administration
409 3rd St SW
Washington, DC 20416-0005

Stream
PO Box 650261
Dallas, TX 75265-0261

TBS Factoring Service
PO Box 18109
Oklahoma City, OK 73154-0109

TRAC Intermodel
750 College Road East
Princeton, NJ 08540-6646

TXTAG
PO Box 650749
Dallas, TX 75265-0749

The Feldman Law Firm, P.C.
3000 Marcus Avenue 2W15
New Hyde Park, NY 11042-1005

The LCF Group
3000 Marcus Avenue 15
New Hyde Park, NY 11042-1005

The Lane Law Firm
6200 Savoy Dr Ste 1150
Houston, TX 77036-3369

Transfer Shipping
25 W I-65 Service Road
Mobile, AL 36608-1201

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

Waste Management
1001 Fannin Suite 4000
Houston, TX 77002-6711

Willscot
4646 E Van Buren Street
Phoenix, AZ 85008-6915

Ying Yang
3250 Briarpark Dr Suite 201
Houston, TX 77042-4263

ZiM American Integrated Shipping Lines
5801 Lake Wright Drive
Norfolk, VA 23502-1863

Robert Chamless Lane
The Lane Law Firm
6200 Savoy Drive
Ste 1150
Houston, TX 77036-3369

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Phase One Services LLC
10604 1/2 Wallisville Rd
Houston, TX 77013-4123

(u)Williams Scotsman, Inc.
10604 1/2 Wallisville Road
77103

End of Label Matrix	
Mailable recipients	46
Bypassed recipients	2
Total	48